



Crl.O.P.(MD)No.15362 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15362 of 2024

Appu @ Venkatesh

: Petitioner/A1

Vs.

1.State rep.by its

The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

2.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
Crime No.210 of 2024.

3.Ajesh

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, Criminal Procedure Code, to direct the I Additional District and Sessions Court (PCR Court), Thanjavur, to consider the bail application of the petitioner on the same day of his surrender before that Court in connection with Crime No.210 of 2024 on the file of the second respondent.

For Petitioner : Mr.P.Alagia Nambi



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For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side)
for R1 & R2.
: Mr.M.Jerin Mathew, for R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of BNSS., seeking orders, to direct the I Additional District and Sessions Court (PCR Court), Thanjavur, to consider the bail application of the petitioner on the same day of his surrender before that Court in connection with Crime No.210 of 2024 on the file of the second respondent.

2.The petitioner is accused for the offences punishable under Sections 296(b), 131 BNS and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act 1989, in Crime No.210 of 2024, pending on the file of the second respondent police and apprehending arrest, he has filed the present petition.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that no one is injured in this case. He would further submit that the petitioner is not having any previous case.



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4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Criminal Side) appearing for the State, and the learned counsel appearing for the third respondent and also perused the materials available on record.

5. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the learned I Additional District and Sessions Judge (PCR Court), Thanjavur, to consider the petitioner's bail application, preferably on the same day of his surrender in connection with Crime No.210 of 2024 on the file of the second respondent police and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The petitioner shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this order.

6. It is needless to say that the Court below while disposing the bail



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petition shall look into the gravity of the offence, previous antecedents of the petitioners and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favorably.

7 With the above direction, this Criminal Original Petition stands allowed.

12.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The I Additional District and Sessions Judge (PCR Court),
Thanjavur.
2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Orathanadu Sub Division, Thanjavur District.
- 3.The Inspector of Police,
Thiruvonam Police Station, Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

K.MURALI SHANKAR,J.



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das

Order made in
Crl.O.P.(MD)No.15362 of 2024

Dated: 12.09.2024